

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

ROBERT K. WINKLE,	:	Case No. 3:17-cv-45
	:	
Plaintiff,	:	District Judge Thomas M. Rose
	:	Magistrate Judge Sharon L. Ovington
vs.	:	
	:	
NANCY A. BERRYHILL,	:	
COMMISSIONER OF SOCIAL	:	
SECURITY,	:	
	:	
Defendant.	:	

DECISION AND ENTRY

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #16), to whom this case was originally referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, this Court hereby **ADOPTS** said Report and Recommendations.

Accordingly, it is hereby **ORDERED** that:

1. The Report and Recommendations filed on February 12, 2018 (Doc. #16) is **ADOPTED** in full;
2. The Commissioner's non-disability finding is vacated;
3. No finding is made as to whether Plaintiff Robert K. Winkle was under a "disability" within the meaning of the Social Security Act;
4. This case is remanded to the Commissioner and the Administrative Law Judge under sentence four of 42 U.S.C. § 405(g) for further consideration consistent with the Report and Recommendations and this Decision; and

5. The case is terminated on the docket of this Court.

IT IS SO ORDERED.

March 2, 2018

**s/Thomas M. Rose*

Thomas M. Rose
United States District Judge